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**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

RITA HARMON,

Plaintiff,

v.

KURANI, INC. d/b/a PIZZA HUT,

Defendant.

Civil Case No.: 4:14-cv-00005-TMB

**UNOPPOSED MOTION TO EXTEND  
DISCOVERY AND MODIFY ALL CASE  
DATES AND DEADLINES**

Defendant Kurani, Inc. (“Defendant”), by and through its undersigned counsel, move to extend fact discovery by 60 days, until June 29, 2015, and modify all case dates and deadlines accordingly for good cause shown and in support thereof state as follows:

1. Plaintiff’s Complaint was removed from Superior Court for the State of Alaska at Fairbanks to this Court on February 25, 2014. [D.E. 1].

2. On April 3, 2014, this Honorable Court entered a Scheduling and Planning Order [D.E. 16], and ordered fact discovery to be completed by April 30, 2015 and dispositive motions to be filed no later than May 1, 2015. [D.E. 16; D.E. 19].

3. On April 9, 2014, counsel for Defendant served written discovery on Plaintiff. Plaintiff's responses to Defendant's written discovery requests were due on June 9, 2014. Counsel for Plaintiff then requested a 45-day extension to respond to Defendant's discovery requests. Defendant granted Plaintiff's counsel's request on May 19, 2014. On May 21, 2014, this Honorable Court ordered Plaintiff to respond to Defendant's written discovery request by July 3, 2014. [D.E. 21].

4. On May 23, 2014, Plaintiff's prior counsel Robert Sparks filed a motion to withdraw from representation of Plaintiff. [D.E. 22]. This Honorable Court granted Mr. Sparks Motion to Withdraw on May 28, 2014. [D.E. 23].

5. Thereafter, Plaintiff did not comply with the Court's May 21, 2014 Order. Pursuant to and in the spirit of Federal Rule of Civil Procedure 37(a)(2)(b) and Local Rule 26.1 of the District Court of Alaska, counsel for Defendant reserved its written discovery requests on Plaintiff on July 3, 2014 and requested Plaintiff to respond to its written discovery requests by July 10, 2014.

6. Plaintiff subsequently obtained new representation. Plaintiff's counsel, Jason Gazewood, filed his notice of appearance on July 16, 2014. [D.E. 25]. Plaintiff, however, had still not responded to Defendant's written discovery requests, initially served on April 9, 2014.

7. On August 12, 2014, Defendant reserved its written discovery requests to Plaintiff's new counsel, Mr. Gazewood, and requested that Plaintiff respond to such requests by August 15,

2014. Plaintiff responded to Defendant's written discovery requests. Plaintiff's responses to Defendant's discovery requests, however, were deficient in a number of respects. Defendant, therefore, sent Plaintiff's counsel correspondence outlining Plaintiff's deficient responses pursuant to Federal Rule of Civil Procedure 37(a)(2)(b) and Local Rule 26.1 of the District Court of Alaska on September 19, 2014 and December 2, 2014, respectively.

8. In accordance with Federal Rule of Civil Procedure 45, Defendant further served various third-party subpoenas for the production of documents.

9. On December 30, 2014, Plaintiff's counsel Mr. Gazewood filed a motion to withdraw from representation of Plaintiff. [D.E. 27]. On January 23, 2015, Plaintiff's counsel John Foster Wallace filed his notice of appearance on behalf of Plaintiff. This Honorable Court permitted Mr. Gazewood to withdraw as Plaintiff's counsel and permitted Mr. Wallace to substitute as Plaintiff's new counsel. [D.E. 31].

10. On January 26, 2015, counsel for Defendant sent Plaintiff's new counsel, Mr. Wallace, correspondence outlining Plaintiff's deficient discovery responses and requested that Plaintiff cure such deficiencies by February 12, 2015.

11. The Parties continue to engage in settlement negotiations, and continue to exchange and respond to written discovery (*e.g.*, interrogatories, document requests). Defendant is also in awaiting responses to its third-party subpoenas. Despite counsels' best efforts, no depositions have been scheduled due to Plaintiff's change in counsel on two separate occasions and failure to respond in full to Defendant's initial written discovery requests. The Parties anticipate that multiple depositions will need to be taken in this case.

12. The Parties anticipate being able to work through any additional discovery issues that may arise and anticipate that any and all remaining fact discovery can be completed by June 29, 2015.

13. This Motion is brought in good faith, and is not brought for an improper purpose or for delay.

14. Counsel for Plaintiff, Mr. Wallace, has been contacted by telephone about this Motion, and does not oppose this request for an extension of time.

**WHEREFORE**, for the foregoing reasons, Defendant respectfully request that the Court extend fact discovery by 60 days, until June 29, 2015, to modify all subsequent case dates and deadlines accordingly, and to grant other relief this Court deems fair and just.

Dated: February 4, 2015

Respectfully submitted,

/s/ Steve A. Miller

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COUNSEL FOR DEFENDANT

KURANI, INC.

## **CERTIFICATE OF SERVICE**

I certify that on February 4, 2015, the foregoing **UNOPPOSED MOTION TO EXTEND DISCOVERY AND MODIFY ALL CASE DATES AND DEADLINES** was filed via the Court's ECF system, which will send notification of such filing to the following:

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